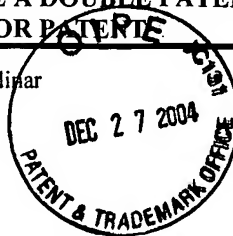


TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT

Docket Number (Optional)  
20830-08288

In re Application of: Steven W. Meeks, Rusmin Kudiyar  
Application Serial No.: 10/660,984  
Filed: September 12, 2003  
For: SYSTEM AND METHOD FOR MEASURING OBJECT CHARACTERISTICS USING PHASE DIFFERENCES IN POLARIZED LIGHT REFLECTIONS



The owner, KLA-Tencor Technologies Corporations, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 6,665,078, prior patent No. 6,717,671, and prior patent No. 6,757,056 as the term of said prior patents are defined in 35 U.S.C. 154 and 173, and as the term of said **prior patents** are presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patents** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patents**, "as the term of said **prior patents** is presently shortened by any terminal disclaimer," in the event that said **prior patents** later:

- expire for failure to pay a maintenance fee;
- are held unenforceable;
- are found invalid by a court of competent jurisdiction;
- are statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- have all claims canceled by a reexamination certificate;
- are reissued; or
- are in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 37,186

19 Dec 2004

Date

Signature

(650) 335-7133

Telephone Number

John T. Mcnelis

Typed or printed name

☒ Terminal Disclaimer fee under 37 CFR 1.20(d) included

☒ Fee Transmittal included

☒ PTO suggested wording for terminal disclaimer was

☒ unchanged

☐ changed (if changed, an explanation should be supplied).

\*Certificate under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee